

## **IC 8-17**

# **ARTICLE 17. COUNTY ROADS—ADMINISTRATION AND MAINTENANCE**

## **IC 8-17-1**

### **Chapter 1. County Unit Law**

## **IC 8-17-1-0.1**

### **"Department" defined**

Sec. 0.1. As used in this chapter, the term "department" refers to the Indiana department of transportation.

*As added by Acts 1980, P.L. 74, SEC.296. Amended by P.L. 86-1988, SEC.65; P.L. 18-1990, SEC.150.*

## **IC 8-17-1-1**

### **Powers of county executive and department of highways; joint undertakings**

Sec. 1. A county executive may construct, reconstruct, improve, and maintain all public highways, bridges, and culverts in the county, including highways, bridges, and culverts under the supervision of the department, if approved by the department, or located in municipalities, as provided in this chapter. In addition, the department may, after petitioning the affected county executive or municipal legislative body and obtaining approval, construct, reconstruct, improve, and maintain county or municipal highways. The department and a county or a municipality in the county through which a toll road project under IC 8-15-2 passes may jointly undertake transportation projects (as defined in IC 36-1-10-2). The duties and responsibilities of a joint undertaking shall be assigned to the department, the county, or the municipality in the county as the parties may agree.

*(Formerly: Acts 1919, c.112, s.1.) As amended by Acts 1980, P.L. 74, SEC.297; Acts 1981, P.L. 41, SEC.57; P.L. 86-1988, SEC.66; P.L. 343-1989(ss), SEC.9.*

## **IC 8-17-1-1.2**

### **"Highway" defined**

Sec. 1.2. As used in this chapter, "highway" includes highways, roads, streets, bridges, tunnels, and approaches.

*As added by P.L. 113-1989, SEC.3.*

## **IC 8-17-1-2**

### **Additional powers of county executive**

Sec. 2. A county executive may construct new public highways or may reconstruct and improve any existing public highways or parts of those highways with road paving materials. The executive may establish, lay out, alter, widen, vacate, straighten, or change a public highway in connection with the improvement and may build all necessary bridges, culverts, or approaches in the improvement of highways. In addition, the executive shall provide easements

necessary for drainage and utilities.  
(Formerly: Acts 1919, c.112, s.3.) As amended by P.L.86-1988, SEC.67.

#### **IC 8-17-1-2.1**

##### **Highway cattle guards in certain counties; construction; cost**

Sec. 2.1. (a) In all counties with a population of less than fifty thousand (50,000), any person through whose land any county highway is located may petition the county executive for permission to construct a cattle guard or other device for the purpose of keeping livestock on the property.

(b) In determining whether to grant permission, the executive shall consider the traffic flow on the highway and the cost of the erection of fences versus the cost of the construction of a cattle guard.

(c) The landowner shall bear the cost of construction and the erection of cattle crossing warning signs on the highway warning motorists that they are about to enter a cattle crossing area.

*As added by Acts 1980, P.L.76, SEC.1. Amended by P.L.86-1988, SEC.68.*

#### **IC 8-17-1-3**

##### **Rights-of-way**

Sec. 3. If a highway is constructed under this chapter, the right-of-way, or any required drainage courses, approaches, or any land necessary for the construction of a highway, or land necessary to build a bridge or a culvert shall be acquired by the county, either by donation by the owners of the land through which the highway passes or by agreement between the owner and the county executive, through eminent domain, or the public may acquire the property as is necessary in the same manner as provided for the construction of public highways. The entire cost of the right-of-way shall be paid by the county.

*(Formerly: Acts 1919, c.112, s.4.) As amended by P.L.66-1984, SEC.79; P.L.86-1988, SEC.69.*

#### **IC 8-17-1-4 Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-5**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-6**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-7**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-8****Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-9****Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-10****Invitations to bid; notice**

Sec. 10. When any highway or part of a highway is constructed, reconstructed, or improved, the county executive shall order the auditor to give notice, in accordance with IC 5-3-1, that, on a day to be named by the executive in an order, sealed proposals will be received by the executive for the improvement in accordance with IC 36-1-12. However, if the proposed improvement includes any bridge having a total span of more than twenty (20) feet, the executive shall receive separate bids for the bridge, and shall enter into a separate contract to build the bridge.

*(Formerly: Acts 1919, c.112, s.11.) As amended by Acts 1981, P.L.57, SEC.22; P.L.86-1988, SEC.76.*

**IC 8-17-1-11****Repealed**

*(Repealed by Acts 1981, P.L.57, SEC.45.)*

**IC 8-17-1-12****Repealed**

*(Repealed by Acts 1981, P.L.57, SEC.45.)*

**IC 8-17-1-13****Bond issue; interest**

Sec. 13. (a) For the purpose of raising money to pay for the construction, reconstruction, or improvement of a highway, bridge, or tunnel, the county may issue bonds under IC 8-18-22, not to exceed the estimated costs of construction, reconstruction, or improvement and all expenses incurred and damages allowed before the letting of the contracts, and a sum sufficient to pay the per diem of the engineer and superintendent during construction and all costs of the financing incident to the issuance of bonds. The issue of bonds must also provide for a sufficient sum to pay for any extras or changes not contemplated in the original plans, specifications, and contract that the executive considers necessary, and that might be omitted by the engineer who drew the plans or specifications.

(b) The proceeds shall be kept as a separate and specific fund to pay for the improvement or construction, reconstruction, or improvement of the particular road for which they were issued. The proceeds shall be paid by the treasurer to the contractor, upon warrant of the auditor, as directed by the executive. The contractor shall be paid in accordance with IC 36-1-12. If there is a surplus left

from the sale of the bonds after the road is complete, the surplus shall be transferred to a fund for the construction, reconstruction, or improvement of any other highway in the county and shall not be used for any other purpose. All funds shall be kept in the public depositories of the county and the interest added to the fund.

*(Formerly: Acts 1919, c.112, s.14.) As amended by Acts 1981, P.L.11, SEC.59; P.L.86-1988, SEC.77; P.L.113-1989, SEC.4.*

#### **IC 8-17-1-14**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-15**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-16**

##### **Repair of improved roads**

Sec. 16. Any highway improved under this chapter becomes a part of the highway system of the county and shall be kept in repair in the same manner as other roads are kept in repair, and is subject to the same statutes governing the repair and maintenance of highways.

*(Formerly: Acts 1919, c.112, s.17.) As amended by P.L.66-1984, SEC.81; P.L.86-1988, SEC.80.*

#### **IC 8-17-1-17**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-18**

##### **Statement; compliance with contract; materials testing engineer's report**

Sec. 18. Whenever any highway is completed, the inspector, surveyor, or engineer shall file a sworn statement with the county auditor stating that the highway has been completed according to plans, plats, profiles, specifications, and contract and that the quantity and quality of material used in making the improvement was as required under standards and tests of the department. A competent materials testing engineer shall determine in a report whether the tests and standards as to the quality of materials has been met. The materials testing engineer shall file a copy of the report with the county auditor.

*(Formerly: Acts 1919, c.112, s.19.) As amended by Acts 1980, P.L.74, SEC.299; P.L.86-1988, SEC.82.*

#### **IC 8-17-1-19**

##### **Objections to improvements; filing of statement**

Sec. 19. Any taxpayer may file an objection to the work by filing a sworn statement with the auditor that the road has not been completed according to the plans, plats, profiles, specifications, and

contract, stating which item has not been completed. After the objection is filed, then the county executive shall set a hearing on the issue where it may hear other proof, may cause witnesses to be subpoenaed, and hear sworn evidence in the same manner as other issues are heard before the executive. The executive shall determine whether the work has been done according to the plans, plats, profiles, specifications, and contract. Any party aggrieved by the decision may appeal to the circuit court of the county within ten (10) days of the date of the decision, by filing a bond approved by the auditor of the county, for the payment of all costs in the cause that may be adjudged in the circuit court against the person taking the appeal. The proceedings shall be tried de novo in the circuit court. (Formerly: Acts 1919, c.112, s.20.) As amended by P.L.86-1988, SEC.83.

**IC 8-17-1-20**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-21**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-22**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-23**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-24**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-25**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-26**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-27**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-28**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-29**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-17-1-30**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-31**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-32**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-33**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-17-1-34**

**Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

**IC 8-17-1-34.1**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-35**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-36**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-37**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-38**

**Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

**IC 8-17-1-39**

**Construction materials in county highways, bridges, and culverts**

Sec. 39. No material may be used in the construction of a county highway, bridge, or culvert unless the material is equal to the material required and meets all tests and standards required by the department for the building of highways, bridges, or culverts by the

department.

*(Formerly: Acts 1919, c.112, s.39.) As amended by Acts 1980, P.L.74, SEC.301; P.L.86-1988, SEC.101; P.L.113-1989, SEC.5.*

#### **IC 8-17-1-40**

##### **Traffic rules**

Sec. 40. A county legislative body may adopt ordinances regulating traffic on any highway in the county highway system, subject to IC 9-21.

*(Formerly: Acts 1919, c.112, s.40.) As amended by P.L.86-1988, SEC.102; P.L.113-1989, SEC.6; P.L.2-1991, SEC.61.*

#### **IC 8-17-1-41**

##### **Plans and specifications; bonds**

Sec. 41. (a) The plans and specifications must include all bridges, culverts, and approaches.

(b) The amount of the bonds must be enough to cover the expense of bridges, culverts, and approaches, and the contract, when executed, shall include that expense.

*(Formerly: Acts 1919, c.112, s.41.) As amended by P.L.66-1984, SEC.94; P.L.86-1988, SEC.103; P.L.113-1989, SEC.7.*

#### **IC 8-17-1-42**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-43**

##### **Repealed**

*(Repealed by P.L.113-1989, SEC.11.)*

#### **IC 8-17-1-44**

##### **Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

#### **IC 8-17-1-45**

##### **Counties responsible for roadways on southern and eastern boundaries; agreements between counties; provisions**

Sec. 45. (a) Each county is responsible for the construction, reconstruction, maintenance, and operation of the roads, including the ditches and signs for those roads, making up its southern and eastern boundaries.

(b) The county executives of two (2) adjoining counties may enter into an agreement under IC 36-1-7 for the construction, reconstruction, maintenance, or operation of any road or part of a road that makes up the boundary between the two (2) counties. In addition to the requirements of IC 36-1-7-3, an agreement under this section must provide for the following:

- (1) The division of costs between the counties.
- (2) The schedule for the work.
- (3) The method of resolving disputes concerning the agreement

if any arise.

(4) Any other terms the counties consider necessary.

*(Formerly: Acts 1971, P.L.102, SEC.1.) As amended by P.L.86-1988, SEC.105; P.L.113-1989, SEC.8; P.L.84-1991, SEC.1; P.L.98-2000, SEC.7.*